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|----------------------------------|---|---------------------|
| In re Application of | : | |
| AFFOLTER, et al. | : | DECISION ON RENEWED |
| U.S. Application No.: 09/936,367 | : | |
| PCT No.: PCT/EP00/01796 | : | PETITION UNDER |
| Int. Filing Date: 02 March 2000 | : | |
| Priority Date: 11 March 1999 | : | 37 CFR 1.137(b) |
| Attorney Docket No.: 112843-029 | : | |
| For: EXPRESSION OF PROTEOLYTIC | : | |
| ENZYMES IN KOJI MOLD IN THE | : | |
| PRESENCE OF CARBON SOURCES | : | |

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.137(b)" filed 01 April 2004.

BACKGROUND

On 29 January 2004, applicant was mailed a decision dismissing applicant's petition to revive the present national stage application. Applicant was afforded two months to file any request for reconsideration.

On 01 April 2004, applicant filed the present renewed petition. Applicant has certified that the present papers were deposited for mailing on 29 March 2004 and are therefore considered timely filed.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items (2) - (4) above.

A review of the application file reveals that applicant has currently satisfied item (1) in providing a compliant Sequence Listing for the present application. As such, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned

under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.137(b) is **GRANTED**.

The application has an international filing date of 02 March 2000 under 35 U.S.C. 363 and will be given a date of **23 January 2002** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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